



DEPARTMENT OF VETERANS AFFAIRS  
Office of Acquisition and Materiel Management  
National Acquisition Center  
P.O. Box 76  
Hines IL 60141

January 4, 2001

In Reply Refer To: 90N

01 JAN 18 P 1:28

RECEIVED  
EXECUTIVE SECRETARIAT  
INDIAN HEALTH SERVICE

Michael H. Trujillo, M.D.  
Director, Indian Health Service  
5600 Fishers Lane  
Rockville, MD 20857

Dear Dr. Trujillo:

My staff at the Department of Veterans Affairs (VA) National Acquisition Center (NAC) has received several inquiries from tribal pharmacists, who use funds granted under IHS' P.L. 93-638 contracts, asking whether the Tribal Self-Governance Amendments of 2000 (P.L. 106-260), Section 7, give their clinics the right to become direct members of the VA Pharmaceutical Prime Vendor (PPV) program. Traditionally, tribal clinics with IHS contracts could participate in VA's PPV program only indirectly through an IHS intermediary, such as an IHS RSSC. (An Interagency Agreement between IHS and VA, along with advance requirements commitments, facilitate IHS' direct participation.)

Because our PPV contract is not a part of the Federal Supply Schedule program administered by GSA (and VA) under the Federal Property Act, we believe that only two sentences of the Tribal Self-Governance Amendments, Section 7, apply to the tribal clinics' requests. Section 7 added these new sentences to the end of Section 105(k) of P.L. 93-638:

For purposes of carrying out such contract, grant, or agreement, - the Secretary shall, at the request of an Indian tribe, enter into an agreement for the acquisition, on behalf of the Indian tribe, of any goods, services, or supplies available to the Secretary from the General Services Administration or other Federal agencies that are not directly available to the Indian tribe under this section or under any other Federal law, including acquisitions from prime vendors. All such acquisitions shall be undertaken through the most efficient and speedy means practicable, including electronic ordering arrangements.

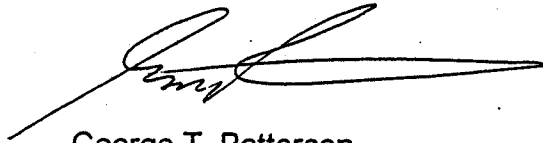
This new statutory language does not grant tribal clinics automatic, direct access to VA's or any other PPV contract. However, it authorizes the Secretary of the Department of Health & Human Services (HHS) to reach an agreement with VA on terms for granting requesting tribes access to VA's PPV.

2.

Michael H. Trujillo, M.D.

In response to the above statutory provision, I would like to initiate discussions with a representative of the Secretary of HHS, in order to produce an agreement between VA and HHS that allows tribes to achieve direct access to VA's PPV contract for the benefit of both parties. There are legal and technical issues to be resolved, so, I would like, with your approval, to get the process started soon. Perhaps you or a designee could phone me at (708) 786-5157, to discuss how and when our two agencies can meet to discuss implementing Section 7 of the Amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "George T. Patterson", with a long, sweeping horizontal stroke extending to the right.

George T. Patterson  
Executive Director